

**SENATE JOURNAL
65TH LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 20, 2017

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator McClafferty. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Keenan excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/20/2017

Correctly printed: **SB 299, SB 352, SB 353, HB 20, HB 22, HB 30, HB 137, HB 145, HB 208, HB 273, HB 297, HB 396, HB 421, HB 470.**

Correctly enrolled: **SB 107, SB 182, SB 228, SB 229, SB 318.**

Examined by the sponsor and found to be correct: **SB 189.**

Transmitted to the House: **SB 235, HB 38, HB 124, HB 220, HB 282, HB 337, HB 342, HB 370, HB 498.**

Signed by the President at 10:29 a.m., March 20, 2017: **SB 2, SB 6, SB 28, SB 67, SB 91, SB 165.**

Signed by the Secretary of the Senate at 10:57 a.m., March 20, 2017: **SB 2, SB 6, SB 28, SB 67, SB 91, SB 165.**

Signed by the Speaker at 9:00 a.m., March 20, 2017: **SB 108, SB 137.**

Delivered to the Governor at 11:52 a.m., March 20, 2017: **SB 108, SB 137.**

Senator Blasdel introduced the Pages for the coming week:

Kye McCollaum from Darby, sponsored by Senator Webb
Lane McAlpine from Valier, sponsored by Senator Jones
Dante Fipula Ankney from Laurel, sponsored by Senator Ankney
Madison Thiel from Sidney, sponsored by Representative Staffanson
Ana Strong Garcia from Billings, sponsored by Senator McNally

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 355, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.

SB 356, introduced by E. Buttrey, D. Ankney, P. Connell, L. Jones, T. Richmond, referred to Business, Labor, and Economic Affairs.

The following Senate resolution was introduced, read first time, and referred to committee:

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

SR 54, introduced by K. Regier, referred to Judiciary.

The following Senate bills were introduced and read first time:

SB 357, introduced by D. Kary, D. Ankney, D. Bartel, M. Blasdel, P. Connell, B. Harris, S. Hinebauch, M. Lang, F. Moore, D. Mortensen, J. Patelis, T. Richmond, D. Skees, S. Staffanson, R. Tempel, B. Tschida, B. Usher, S. Vinton, P. Webb, R. Webb.

SB 358, introduced by J. Cohenour, D. Barrett, C. Boland, M. Caferro, T. Facey, M. MacDonald, S. Malek, E. McClafferty, M. McNally, M. Phillips, J. Pomnichowski, D. Sands, J. Sesso, F. Smith, G. Vuckovich, L. Whitford, C. Wolken.

The following Senate bill, previously introduced, was referred to committee:

SB 354, introduced by M. Caferro, K. Abbott, J. Cohenour, P. Connell, R. Cook, G. Custer, J. Eck, T. Gauthier, B. Grubbs, B. Hamlett, J. Keane, J. Knokey, W. McKamey, S. Morigeau, R. Peppers, M. Phillips, T. Richmond, W. Sales, D. Salomon, D. Sands, J. Sesso, R. Shaw, F. Smith, S. Stewart-Peregoy, R. Tempel, R. Webb, T. Welch, L. Whitford, J. Windy Boy, referred to Taxation.

Senator Keenan joined the Senate at this time.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Pomnichowski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 175 - Senator C. Smith moved **HB 175** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Total 0

Excused: None.

Total 0

HB 539 - Senator Osmundson moved **HB 539** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 57 - Senator Blasdel moved **SB 57** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.
Total 37

Nays: Brown, Fielder, Hinebauch, Hinkle, Kary, Keenan, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 183 - Senator C. Smith moved **HB 183** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally,

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 42

Nays: Boland, Caferro, MacDonald, Malek, McClafferty, Pomnichowski, Smith F, Vuckovich.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 173 - Senator Cohenour moved **SB 173** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 187 - Senator Cohenour moved **SB 187** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Total 0

Excused: None.

Total 0

HB 144 - Senator Fitzpatrick moved **HB 144** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McNally, Osmundson, Pomnichowski, Richmond, Salomon, Sands, Smith F, Tempel, Thomas, Vuckovich.

Total 23

Nays: Brown, Buttrey, Caferro, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, McClafferty, Moore, Olszewski, Phillips, Regier, Sesso, Small, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 144 - Majority Leader Thomas moved **HB 144** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Hinkle, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.

Total 17

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 33

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 471 - Senator Fitzpatrick moved **HB 471** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 485 - Senator D. Brown moved **HB 485** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 509 - Senator Richmond moved **HB 509** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 43

Nays: Brown, Hinebauch, Hinkle, Kary, Smith C, Vincent, Mr.President.
Total 7

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 299 passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 33

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 17

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 20 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 137 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.
Total 36

Nays: Blasdel, Fielder, Gauthier, Kary, Keenan, Lang, Moore, Olszewski, Smith C, Smith F, Swandal, Vincent, Webb, Mr.President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 145 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 156 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 208 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 297 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 421 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 470 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 20, 2017

Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 144**, heard on second reading this date, be re-referred to the Highways and Transportation Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, March 21, 2017, the fifty-eighth legislative day. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate